

REMARKS

Claims 1, 5, 39 and 52 have been amended. Claim 5 was amended to correct dependency. Claims 39 and 52 were amended for better form in a non-limiting manner. New claims 59-69 have been added. Claim 30 was canceled without prejudice. Claims 1-29 and 31-69 are pending in the application.

The amendment to claim 1 and new claims 59-69 are supported by the application as originally filed and do not present new matter. For example, the specification describes how the ingredient is prepared separately from a food item, and placed in a container below the food item. Thus, the ingredient for application to the food item is not extracted from the food item itself. (See, e.g., Figures 2A, 3, 4A and 4B; p. 8, lines 22-25 (identifying food item 410 and ingredient 200)). New claims 59-69 are also supported by the application as filed. (See, e.g., Figs. 2A-B (gelatinous ingredient having pre-defined shape); p. 16, lines 1-6 (cylindrical, cube and rectangular shapes); p. 12, line 10 - p. 16, line 6 (gelatinous ingredient prepared independently of food item, i.e., ingredient is not derived or extracted from food item); Fig. 2B, p. 3, lines 19-25 (ingredient positioned in a reservoir in the bottom of the housing)).

The Applicants have addressed the matters concerning the drawings, specification, claim objections and 35 U.S.C. §112 on pages 2-3 of the Office action. Reference number "111" was changed to "112".

A replacement drawing of Figure 5B is enclosed, together with Figure 5B marked in red showing the correction made thereto. Accordingly, the Applicants respectfully request that the objection concerning the drawings be withdrawn.

The specification has been amended to refer to upper housing section 111 and upper housing section 112 for consistency. The typographical error concerning "additives" on page 13 has been corrected. Accordingly, the Applicants respectfully request that the objection concerning the specification be withdrawn.

Claim 5 was amended to depend from claim 1.

Claim 30 was canceled without prejudice. Accordingly, the Applicants respectfully request that the objection concerning the claims be withdrawn.

Claim 39 was amended for proper antecedent basis. Accordingly, the Applicants respectfully request that the rejection under 35 U.S.C. §112¶2 be withdrawn.

I. Claims 1, 2, 5, 6, 14, 15, 18, 19, 23, 27-29, 31, 39-42, 45, 47, 49, 50, 53 and 56 Are Novel Over Housley.

Independent claims 1, 15, 39 and 53 and respective dependent claims 2, 5, 6, 14, 15, 18, 19, 23, 27-29, 31, 40-42, 45, 47, 49, 50, and 56 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,988,045 to Housley (“Housley”). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference MPEP § 2131. The Applicants respectfully traverse the rejection. In order to expedite prosecution of the application, the Applicants submit the following remarks.

First, the Applicants respectfully submit that Housely does not disclose or suggest “an ingredient for application to the food item” as called for by claim 1. Independent claims 15, 39 and 53, and dependent claims “gelatinous ingredient” include similar limitations.

The Office action refers to col. 5, lines 60-65 of Housely and apparently asserts that run-off liquid (water, oil, grease described in lines 60-65) that drains from the food item is the “ingredient” called for by claim 1. The Applicants respectfully disagree. The water, oil and grease that drains from a food item is not an “ingredient for application” to the food item since oil and grease are typically (and preferably) removed from a food item to provide a healthier food item, not added to a food item after it has drained from the food item. The Applicants recognize that Housely explains that water may be introduced into the reservoir, however, Housely explains that the water is used to steam / cook the food item. Housely does not disclose or suggest that water is added to steam the food item and, in addition, re-join the drained oil / grease with the food item.

Thus, the Applicants respectfully submit that Housely does not disclose or suggest an “ingredient for application” to the food item as called for by claim 1, and a “gelatinous ingredient” limitations of claims 5, 15, 39 and 53. Further, Housely teaches away from Applicants’ claims since the oil and grease is not an ingredient “for application” to a food item

since adding oil and grease would negatively affect the quality of the food item. Further, adding drained oil and grease to a food would make the food item less healthy.

Second, the Applicants respectfully submit that Housely does not disclose or suggest an ingredient for application to the food item “wherein the ingredient is not extracted from the food item” as called for by claim 1. New claims 63-65 include similar limitations. The specification of the subject application explains how ingredients are mixed together to form an ingredient for application to the food item, and that the ingredient and the food item are separate and independent of each other. In other words, the ingredient is not derived or extracted from the food item.

Housley, in contrast, explains that “the cooking grill 30 provides a means for collecting run-off liquids extracted from food item(s) positioned on or suspended above the upper cooking surface 32.” (Housely, col. 5, line 66 - col. 6, line 1). Housely is, therefore, fatally deficient with respect to claims 1 and 63-65 since the run-off, as described by Housely, is extracted from the food item. Correspondingly, Housely does not disclose or suggest, and clearly teaches away from, “wherein the ingredient is not extracted from the food item” as called for by claims 1 and 63-65.

Third, the Applicants respectfully submit that Housely does not disclose or suggest “steam from heating said ingredient is applied to the food item” as called for by claim 1. Independent claims 15, 39 and 53 include similar limitations. Housely, in contrast, explains that water is separately added to the reservoir and heated to steam a food item. (Housely, col. 6, lines 60-61). The water that is added to the reservoir is separate from the liquid run-off. (Housely, col. 6, lines 52-54; col. 6, lines 60-65). In other words, steam is generated by heating added water, not an ingredient for application to a food item, as called for by claims 1, 15, 39 and 53.

Fourth, the Applicants respectfully submit that Housley does not disclose or suggest steam from heating said gelatinous ingredient is applied to the food item “through the apertures of said grill surface” as called for by independent claim 15. Independent claims 39 and 53 and dependent claim 14 include similar limitations. In other words, the steam rises up through the grill, i.e., up through the apertures of the grill.

The Office action relies upon col. 6, lines 50-65 for the rejection. This particular section of Housley describes introducing water into a portion of the periphery of the reservoir for steaming the food item. Housley explains, however, that the reservoir 34 is disposed beneath the cooking surface 32, and openings 36 and collection channels 38 are used to feed run-off fluids from a food item above into the underlying reservoir 34. In other words, the reservoir 34 blocks the underside of the grill and the grill apertures since the purpose of the reservoir is to catch the run-off fluids that drain from a food item and through the grill. Accordingly, steam from the added water is not applied to a food item through apertures of a grill surface, since the reservoir covers the bottom of the grill. This conclusion is also consistent with Housley describing venting structures 74 that are formed in sides of the grill to facilitate venting of the internal chamber 18. In other words, venting occurs around the outside of the grill through venting structures 74, not through the grill apertures since the apertures are blocked by the reservoir 34. Correspondingly, Housley fails to disclose or suggest, and teaches away from, “so that steam from heating said gelatinous ingredient is applied to the food item through the apertures of said grill surface” as called for by claims 14, 15, 39 and 53.

In view of the forgoing amendments and remarks, the Applicants respectfully submit that independent claims 1, 15, 39 and 53 are novel over Housley and respectfully request that the rejection of these claims under §102(b) be withdrawn. Further, the Applicants respectfully submit that dependent claims 2-14, 16-29, 31-38, 40-52, and 54-58, which depend from and incorporate all of the elements and limitations of respective independent claims 1, 15, 39 and 53 and add novel and non-obvious limitations thereto, are also novel over Housley. Moreover, the Applicants respectfully submit that there is no suggestion or motivation to modify the utensil described in Housley since Housley is substantially different than Applicant’s claims and teaches away from various claim limitations.

Further, the Applicants respectfully submit that Housley does not disclose or suggest limitations of the new dependent claims. For example, Housley does not disclose or suggest “the ingredient having a defined shape” as called for by new dependent claim 59 and “the gelatinous ingredient having a defined shape” as called for by new dependent claims 60-62. The specification of the subject application explains that the ingredient can have various shapes,

including cylindrical, cube or rectangular shapes. (See, e.g., p. 16, lines 1-6.) Housley, in contrast, and as noted in the Office action, describes liquid run-off that includes water, grease and oil and that drains from the food item. The run-off, therefore, does not have a pre-defined shape.

The Applicants also respectfully submit that Housley does not disclose or suggest “the ingredient being positioned on a bottom surface of the microwave housing” as called for by new dependent claim 66 or “the gelatinous ingredient being positioned on a bottom surface of the lower housing section” as called for by new dependent claims 67-69. Rather, as previously discussed, Housley explains that the liquid run off is collected by a reservoir, which is elevated above the base unit by use of a support ridge and support members.

II. Claims 3, 20-22, 43, 44 and 54 Are Patentable Over Housley in view of Koochaki.

Dependent claims 3, 20-22, 43, 44 and 54 were rejected under 35 U.S.C. §103(a) as being unpatentable over Housley in view of U.S. Patent No. 6,229,131 to Koochaki (“Koochaki”). To establish a prima facie case of obviousness of a claim under 35 U.S.C. §103(a), all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art. MPEP §2143.03. Moreover, there must be some suggestion or motivation to modify the reference. MPEP §2143.01

Koochaki, however, does not cure the deficiencies of Housley discussed above and has its own deficiencies. The Applicants respectfully submit that dependent claims 3, 20-22, 43, 44 and 54, which depend from and incorporate all of the elements and limitations of respective independent claims 1, 15, 39 and 53 and add novel and non-obvious limitations thereto, are also novel and non-obvious over the combination of Housley and Koochaki. Accordingly, the Applicants respectfully request that the rejection of dependent claims 3, 20-22, 43, 44 and 54 under 35 U.S.C. §103(a) be withdrawn.

III. Claims 4, 24-26, 46 and 55 Are Patentable Over Housley in view of Levinson.

Dependent claims 4, 24-26, 46 and 55 were rejected under 35 U.S.C. §103(a) as being unpatentable over Housely in view of U.S. Patent No. 4,923,704 to Levinson ("Levinson"). The Applicants respectfully submit that Housely and Levinson cannot support the rejection.

Levinson, however, does not cure the deficiencies of Housley discussed above and has its own deficiencies. The Applicants respectfully submit that dependent claims 4, 24-26, 46 and 55, which depend from and incorporate all of the elements and limitations of respective independent claims 1, 15, 39 and 53 and add novel and non-obvious limitations thereto, are also novel and non-obvious over the combination of Housley and Levinson. Accordingly, the Applicants respectfully request that the rejection of dependent claims 4, 24-26, 46 and 55 under 35 U.S.C. §103(a) be withdrawn.

IV. Claims 3, 20-22, 43, 44, 48 and 54 Are Patentable Over Housley in view of Craft.

Dependent claims 3, 20-22, 43, 44, 48 and 54 were rejected under 35 U.S.C. §103(a) as being unpatentable over Housely in view of U.S. Patent No. 6,018,157 to Craft ("Craft"). The Applicants respectfully submit that Housely and Craft cannot support the rejection.

Craft, however, does not cure the deficiencies of Housley discussed above and has its own deficiencies. The Applicants respectfully submit that dependent claims 3, 20-22, 43, 44, 48 and 54, which depend from and incorporate all of the elements and limitations of respective independent claims 1, 15, 39 and 53 and add novel and non-obvious limitations thereto, are also novel and non-obvious over the combination of Housley and Craft. Accordingly, the Applicants respectfully request that the rejection of dependent claims 3, 20-22, 43, 44, 48 and 54 under 35 U.S.C. §103(a) be withdrawn.

V. Claims 16, 17, 51 and 52 Are Patentable Over Housley in view of Barnes.

Dependent claims 16, 17, 51 and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable over Housely in view of U.S. Patent No. 6,608,292 to Barnes ("Barnes"). The Applicants respectfully submit that Housely and Barnes cannot support the rejection.

Barnes, however, does not cure the deficiencies of Housley discussed above and has its own deficiencies. The Applicants respectfully submit that dependent claims 16, 17, 51 and 52, which depend from and incorporate all of the elements and limitations of respective independent claims 15 and 39 and add novel and non-obvious limitations thereto, are also novel and non-obvious over the combination of Housley and Barnes.

Further, the Applicants note that Barnes describes a microwave grilling appliance that includes a pair of grill elements, each having heat conducting elements and troughs that are formed in the periphery of the grill elements. The grill elements, however, do not have apertures. Rather, the grill elements are solid and have ridges and when a food item sandwiched between the grill elements is cooked, liquid from the food item drains into a peripheral trough 502, 602. In contrast, Housely describes a utensil that includes a single grill element having apertures, and a food item that is placed on top of the grill. Liquid that drains from the food item passes through the apertures, and is collected by a reservoir that is suspended above the bottom surface of the utensil.

Accordingly, the Applicants respectfully submit that there would be no suggestion or motivation to combine the references considering their different grill and drainage structures, and that Barnes describes a clam shell type configuration with a connector since a food item is sandwiched between grill elements, whereas Housley describes only one grill surface, and a food item that is placed on top of the grill surface.

Accordingly, the Applicants respectfully request that the rejection of dependent claims 16, 17, 51 and 52 under 35 U.S.C. §103(a) be withdrawn.

VI. Claims 7-13, 32-38, 57 and 58 Are Patentable Over Housley in view of Choy.

Dependent claims 7-13, 32-38, 57 and 58 were rejected under 35 U.S.C. §103(a) as being unpatentable over Housely in view of GB 2,308,465 to Choy ("Choy"). The Applicants respectfully submit that Housely and Choy cannot support the rejection.

Choy, however, does not cure the deficiencies of Housley discussed above and has its own deficiencies. The Applicants respectfully submit that dependent claims 7-13, 32-38, 57 and 58, which depend from and incorporate all of the elements and limitations of respective independent claims 1, 15, and 53 and add novel and non-obvious limitations thereto, are also novel and non-obvious over the combination of Housley and Choy. Accordingly, the Applicants respectfully request that the rejection of dependent claims 7-13, 32-38, 57 and 58 under 35 U.S.C. §103(a) be withdrawn.

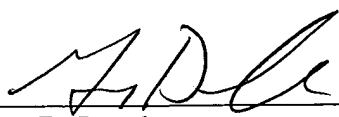
VII. CONCLUSION.

Based on the forgoing amendments and remarks, the Applicants respectfully submit that the application is in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. If there are any remaining issues that can be resolved by telephone, Applicants invite the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,

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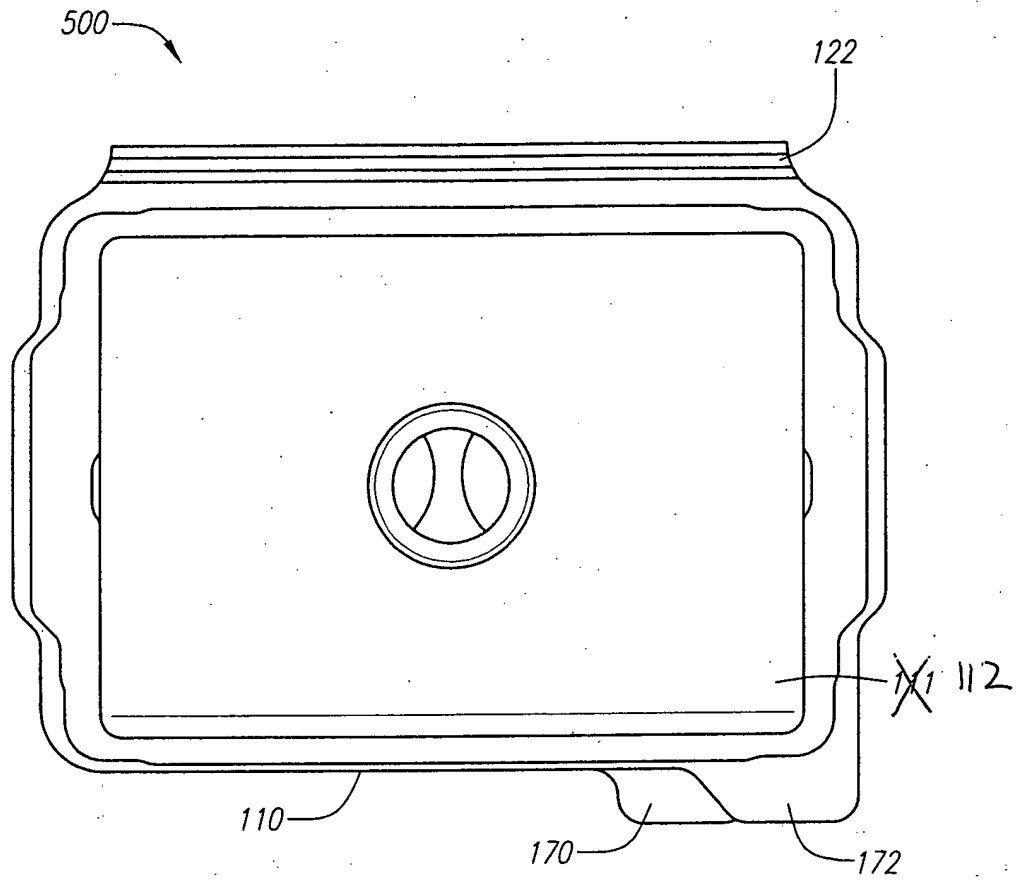


FIG. 5B